

JOHN K. WELCH

December 8, 2010

91

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Welch

circadian rhythm or alter my circadian rhythm, which is proper overnight sleep. So they said it would be in my best interest not to work overnight.

Q. Any other ways in which it limits your ability to work at UPS?

A. No.

Q. Does your bipolar disorder limit your ability to work anywhere else?

A. No.

Q. Is there anything in your personal life that you can't do because of your bipolar disorder?

A. No.

Q. Has your bipolar disorder in any way limited your ability to have physical activity?

A. No.

Q. Do you know if UPS at some point became aware of your bipolar disorder?

A. Yes.

Q. Do you know how they became aware?

A. Through the doctors' notes that were returning me to work.



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

92

Welch

Q. Do you know who those notes went to?

A. Probably the district nurse.

Q. Were they sent directly from the doctor?

A. I believe so.

Q. Have you ever had any surgery for your bipolar disorder?

A. No.

Q. Now I think you also mentioned you have suffered from depression and PTSD.

A. Right.

Q. When were those diagnosed?

A. 2007.

Q. Who diagnosed those conditions?

A. Veterans Administration.

Q. Was that in the same visit that the bipolar disorder was diagnosed?

A. Right.

Q. Are there any medications you're on for those two conditions?

A. Same. Same as the bipolar.

Q. Have the medications been as successful with the depression and PTSD as they have been with the bipolar disorder?



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

93

Welch

A. Yes.

Q. Do you suffer any physical effects from either the depression or the PTSD?

A. No.

Q. Does either the depression or PTSD limit your ability to work at UPS?

A. No.

Q. Does either the depression or PTSD limit your ability to work in another job elsewhere?

A. No.

Q. Is there anything in your life that you are unable to do because of the depression or PTSD?

A. No.

Q. Have you ever had surgery for the depression or PTSD?

A. No.

Q. Did UPS learn of your depression and PTSD at the same time it learned of your bipolar?

A. It was the whole ball of wax. Kind of, it was the first time I went into any psychiatric unit, and it was there that they



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

107

Welch

Q. Were you ever suspended?

A. No.

Q. Demoted?

A. No.

Q. Injured?

A. No.

Q. So when did you begin working for
UPS?

A. Saint Patty's day. March 17, 1987.

Q. What position were you hired as?

A. I was a loader.

Q. Full time or part time?

A. Part time.

Q. What facility were you working at?

A. Chase Court, C-h-a-s-e, Court. It
was in Brooklyn. Off Ralph Avenue.

Q. Who was your manager?

A. George Husted, H-u-s-t-e-d.

Q. What were your general job duties?

A. Load trailers.

Q. Do you recall what hours you worked?

A. Yes, 5:30 to 10:00. 5:30 p.m. until
about 10:00 p.m.

Q. And what was your next position



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

108

Welch

after that?

A. I was part-time supervisor. Part-time operations need part-time supervisors, so they hired me as a part-time supervisor. That was about nine months later.

Q. So maybe still in '87? '88?

A. Might have been '89, early.

Q. So you were still part time with UPS?

A. Yes.

Q. Do you remember who your manager was?

A. George Husted.

Q. Still the same manager?

A. Yes.

Q. And still at Chase Court?

A. Yes.

Q. Did your hours remain the same?

A. They went up a little, because you had to be in early to prepare and then, at the end, do some action and be reporting. All and all, it was maybe another -- you went from like four hours to five hours.

Q. Do you recall if your pay rate



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

109

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Welch

changed with that supervisor position?

A. Yes. I went from an hourly employee to a salaried employee.

Q. What were your job duties as the supervisor?

A. Supervise unloading. Loading. Sorting.

Q. Do you recall how many people you supervised?

A. Maybe 15.

Q. What was your next position?

A. Driver.

Q. When did you become a driver?

A. 1989. October 1989.

Q. What circumstances led you to becoming a driver?

A. They wanted me to be a full-time supervisor, and the only way to become a full-time supervisor is obviously you have to know the driver's job. So they put me in that job for like four months. I was a driver for four months.

Q. Do you remember who put you in that job?



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

111

Welch

George?

A. No. Now I'm reporting to John Cronan. John Cronan had the whole building.

Q. So you started as a supervisor at Chase Court, and then you moved to Prospect?

A. Right.

Q. So you became a driver in 1989. What were your job duties with that position?

A. Deliver, pick up packages for training route in the Midwood section of Brooklyn.

Q. When you went from supervisor to driver, did your rate of pay change?

A. Yes, it went up.

Q. Do you recall --

A. Because I was a part-time supervisor, and I went up to full-time driver, so it went up to I believe like \$17 an hour.

Q. How long were you a driver?

A. Four months.

Q. What position did you have after you were a driver?

A. On-car supervisor. Basically that's

JOHN K. WELCH

December 8, 2010

112

1 Welch
2 the supervisor of drivers.

3 Q. Do you remember when you became
4 on-car supervisor?

5 A. January 1.

6 Q. Of '90?

7 A. Of '90.

8 Q. Who was your manager at that time?

9 A. John Cronan.

10 Q. Do you remember what hours you were
11 working?

12 A. They were unspecified, but probably
13 65 hours.

14 Q. What was your shift?

15 A. Oh, like 7:00, 6:30 a.m. until -- if
16 you were the late supervisor, you would be
17 there until 9 o'clock at night, but we try and
18 stagger it where we take care of the unload
19 stuff, and then the early guys would leave
20 6:00 or 5:30, if you were lucky. Some earlier
21 days.

22 Q. Going from driver to on-car
23 supervisor, that involved a change in your
24 rate of pay?

25 A. Yes.

JOHN K. WELCH

December 8, 2010

114

Welch

Q. Were you supervising preload?

A. Yes.

Q. And still on a full-time basis?

A. Yes.

Q. During that time, do you recall what facilities you worked at?

A. Yes. I worked at -- well, I got you from Chase Court to 29th Street, and 29th Street moved to 36th Street, because there was a bigger building there. We were growing so much through those years, we were just closing buildings left and right and opening up bigger ones.

I went to Chase Court, to 29th, to 36th Street, then to, finally, to the Foster Avenue facility that's still there today.

Q. Is it at the Foster Avenue facility where you were promoted to manager in 1999?

A. Yes.

Q. Do you know who promoted you to manager?

A. Bruce Pace. I guess ultimately it was the district manager that Bruce -- I don't know if he had -- you have to bring someone,



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

115

Welch

1
2 you'd have to explain that, why you want this
3 person; and the district manager will, along
4 with I guess the HR manager, would give the
5 nod. And so I reported to Bob McCormack, who
6 was the district manager at the time who
7 promoted me.

8 Q. You reported to Bob in your on-car
9 supervisor role?

10 A. No. He was the district manager
11 responsible for the whole district, all the
12 buildings in the West Long Island district.

13 Q. Do you recall if you ever had any
14 conversations with Bruce about your promotion?

15 A. No. He just said, wear a suit
16 tomorrow, and I did. And then we went there.

17 Q. You went where?

18 A. To the district office in Maspeth.
19 And he was there, and I was promoted.

20 Q. Was anyone else there, other than
21 Bruce?

22 A. And Bob McCormack.

23 Q. The years where you were on-car
24 supervisor from 1990 to 1999, was John your
25 supervisor the entire time?



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

116

Welch

A. John Cronan?

Q. Yes.

A. No.

Q. At what point did your supervisor change?

A. John Cronan, and then I had Hank Drum.

Q. Do you remember what year he became your supervisor?

A. '92.

Q. 1992?

A. And I had Lester Nelson in '93. I had Anthony Caputo after that, probably in '94. Bill Burgess, that was probably for two years. I had -- what year are we up to now? '92, '94?

Q. '96.

A. And then I believe I was on the preload. Preload manager was Jimmy Collins for a year. And then I was a supervisor on the local sort, when I was promoted in 1990, and I replaced Leo Cummings.

Q. So what was your official title after the promotion?



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

117

Welch

A. Local sort manager.

Q. What were your responsibilities in that position?

A. Local sort manager was responsible for the unloading of all the pickups from the drivers' vehicles. It was about 300 vehicles, 280, maybe, in that building. The drivers go out in the morning, deliver, they empty their vehicles. And then at night they come back in full, from doing their pickups.

Once they get done with their deliveries they are doing pickups or throughout their day until the point where the deliveries are done and then the vehicle just has pickups in it and the packages that were not delivered, those packages would come back. The ground packages would go to the ground trailers and the air packages would be sorted separately into a trailer that's bound for the airport. And it also has a small sort, rewrap area, dangerous goods area.

So it's kind of -- it's a part-time operation, but it's a full-time need of management on it to the preparation and, you

JOHN K. WELCH

December 8, 2010

118

1 Welch
2 know, prior and after it.

3 Q. When you were promoted to local sort
4 manager, was there an associated rate of pay
5 change?

6 A. Yeah. I think my pay went up \$400 a
7 month.

8 Q. Who was your direct manager when you
9 were local sort manager?

10 A. Bruce Pace.

11 Q. Do you know who his manager was?

12 A. Bob McCormack.

13 Q. Approximately how many people were
14 you supervising in that role?

15 A. About 175. Maybe 150.

16 Q. How long were you in that position?

17 A. Probably less than a year, because
18 then I had to take over the package center
19 that I was once an on-car supervisor in, the
20 Kensington center.

21 Q. So was that a job change or just a
22 location change?

23 A. Just a job change.

24 Prior to becoming a manager on the
25 local sort, I see you got a gap in your page

JOHN K. WELCH

December 8, 2010

119

Welch

there. That would be Gerrais Gary, who I reported to prior, that year prior, 19 --

Q. '98?

A. Right.

Q. So '99, local sort manager. You're in that position for less than a year.

What was your next position?

A. Business manager of the Kensington center.

Q. What were your job responsibilities in that role?

A. Responsible for the daily functions of the center, the dispatch of about 60 drivers, the delivery, the pickup and all the controls required to run efficiently auditing, checking, reports, meetings, things of that nature.

Q. What year did you take on that role?

A. That was nine months after I was promoted, approximately. And then nine months on the local sort and then back to the center.

Q. So early 2000?

A. I would think late '99.

Q. Who was your manager?



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

120

Welch

A. Bruce Pace.

Q. Was his manager Bob?

A. Bob McCormack.

Q. In that change, was there any effect to your pay?

A. No. That was a lateral.

Q. How long were you business manager for the Kensington center?

A. Maybe about five months, and then I had to go back to the local sort.

Q. When you say "go back to the local sort"?

A. Return back. Take -- giving the Kensington center up and going back to the job I was in prior to the Kensington center.

Q. So back to the local sort manager job.

A. Right.

Q. At what facility?

A. Same one, Foster Avenue.

Q. How long were you back at Foster Avenue as local sort manager?

A. Until August 28, 2000, when I was reduced to supervisor.



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

121

Welch

Q. And that was a demotion?

A. Yes.

Q. What position were you moved into?

A. I was moved into preload in Maspeth.
The Greenpoint center.

Q. What was your job title?

A. Preload supervisor for the
Greenpoint center.

Q. Was there a change of pay associated
with that move?

A. No. There was a -- just a change in
the compensation, when you get from supervisor
to manager. A supervisor gets one unit of
stock versus where a manager gets two units of
stock at the end of the year.

And my salary remained the same.

Q. So you were a two unit manager, and
then you were demoted to a one unit position?

A. Right.

Q. But the rate of pay was the same?

A. Right.

Q. What's your understanding of the
reason for your demotion?

A. I don't know. I was told because of

JOHN K. WELCH

December 8, 2010

123

Welch

A. A letter I wrote.

Q. Well, it looks like it was something written by Dan Daly on 8/25/2000.

A. Oh, this document here?

Q. Yes, that document. Exhibit F. In the to line it's to Jerry McDonough.

Do you know who that is?

A. Yes.

Q. Who's Jerry McDonough?

A. He is the district manager who replaced Bob McCormack.

Q. And it looks like Craig Owen is also cc'd. And then who is G. Gary?

A. Gerrais Gary. He was the division manager for the Foster Avenue facility.

Q. And this looks like maybe a summary of what we had talked about earlier about the meeting you had had with them. In the maybe fifth paragraph it says, "I asked John what was the procedure for processing," and it references someone named Rocky Elliott.

A. Right.

Q. Who was Rocky Elliott?

A. Rocky Elliott was a full-time clerk



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

124

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Welch

on the local sort. He was a damage guy that just he in my opinion they, I thought they just taped packages. That's all he did. He went around the building and taped packages.

Q. Who did Rocky report to?

A. Me.

Q. After your demotion, did you ever complain to anyone about this, the situation and your demotion?

A. Yes.

Q. Who did you complain to?

A. Kent Nelson.

Q. I'm sorry?

A. Nelson.

Q. Who was that?

A. He is the chairman of the board. Chief executive officer.

And Leah Sepada.

Q. How did you complain to those two individuals?

A. By way of letter, and I also complained at the point of being demoted. I said, I explained to Craig Owen and Gerrias Gary that I felt it was, there was unnecessary

JOHN K. WELCH

December 8, 2010

125

Welch

action and that given the training I received and understanding of the whole facts, because none of these packages were packages that were under the charge of Rocky Elliott. They were packages that Anthony Fisher did. Packages coming off the road, packages from the preload left over.

Q. What was Anthony Fisher's position?

A. He worked the damage cage.

Q. What was his job title?

A. Clerk.

Q. And who did he report to?

A. James Edgette. He quit.

Q. Did you replace James?

A. No. No, James was not replaced.

Q. The letters you sent to Mr. Nelson and Ms. Sepada, do you have copies of those letters?

A. I believe I do, yes.

RQ MS. GRAZIOSO: I'm just going to request production of those two letters.

MS. SINHA: Yes, taken under advisement.

Q. Do you have any recollection of the



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

134

1 Welch

2 chain of command.

3 Q. So Jerry was Cindy's boss?

4 A. Yes.

5 Q. Did she report to him?

6 A. Yes.

7 Q. So after your demotion, you were in
8 what roll?

9 A. Preload supervisor.

10 Q. How long were you in that position?

11 A. Probably about eight months.

12 Q. What facility were you at?

13 A. Maspeth. The Island City facility,
14 which is in Maspeth, Queens.

15 Q. Who were you reporting to?

16 A. Tony Santoro.

17 Q. What was your next position after
18 that?

19 A. I'd like to say something about that
20 job. I was -- as well as running the preload,
21 I was given Saturday air operation. My days
22 off were Monday and Wednesday, so every day I
23 worked -- every day I was off, I had to be in
24 bed early to get up to be in work at 9 o'clock
25 in the morning. My days off were Wednesday



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

135

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Welch

and Monday. And I never had two days off together during that period that I was on the preload.

Q. So this is now around 2000, 2001?

A. Yes.

Q. You were there for eight months, and what was your next position?

A. On-car supervisor in the Greenpoint center.

Q. Who was your manager?

A. Manager was Victor, Victor Martini.

Q. How long were you in that role?

A. I was in that role for three years.

Q. What was your role after that?

A. Preload supervisor. Chase Court. Chase Court. The long close building. Foster Avenue.

Q. What year was that?

A. Foster Avenue facility, in 2005.

Q. Who was your manager?

A. Roberto Charles.

Q. How long were you in that role?

A. I was in that role for, I believe it was the remainder of 2000 -- probably midway



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

136

1 Welch
2 of 2005, and then I went back to Greenpoint.

3 Q. In what position?

4 A. I worked for Joe Conforti, to do
5 audits at night.

6 Q. What was your job title?

7 A. I guess it was p.m. supervisor.
8 Almost like an on-car supervisor but that
9 works later in the day and does p.m. audits.

10 Q. And that was in 2005?

11 A. Yes.

12 Q. How long were you in that role?

13 A. Probably until the end of 2005.

14 Q. What position were you in next?

15 A. CHSP.

16 Q. What does that stand for?

17 A. Comprehensive health and safety
18 program.

19 Q. When did you start in that role?

20 A. I think January. It was after the
21 new year. I don't know how late after the new
22 year, maybe the first or second week.

23 Q. First or second week of January of
24 2006?

25 A. Yes.



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

137

Welch

1 Q. What was your official job title?

2 A. CHSP supervisor.

3 Q. Who did you report to?

4 A. I reported to Bob Rizzo.

5 Q. What were your job duties?

6 A. To ensure the proper compliance and
7 regulatory training of all personnel in the
8 Long Island City facility.
9

10 Q. How long were you in that role?

11 A. Probably ten months.

12 Q. What was your next position?

13 A. I was CHSP supervisor of the
14 Melville division.

15 Q. Same job duties?

16 A. Yes.

17 Q. Same supervisor?

18 A. Yes.

19 Q. How long were you in that role?

20 A. Again, it was about maybe seven
21 months.

22 Q. What was your next position?

23 A. I worked for the division for a few
24 months doing safety, training drivers of the
25 Melville division.

JOHN K. WELCH

December 8, 2010

138

Welch

Q. Was this in 2007?

A. Yes.

Q. And you said that was for a couple months?

A. Right.

Q. Who did you report to during that time period?

A. Steve Wiederhold, division manager.

Q. What was your next position?

A. Preload supervisor, Manhasset center.

Q. When did you begin in that role?

A. October of that year.

Q. Of '07?

A. Yes.

Q. Who was your supervisor?

A. Joe -- no, Chris Travaglia. And he was only there for a few weeks before he was replaced by Joe Mero, M-e-r-o.

Q. Do you know who Chris and later Joe reported to?

A. Steve Wiederhold. Initially James Kirk, and then later on Steve Wiederhold came from Melville, back to the Nassau building



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

139

1 Welch
2 where that center is.

3 Q. How long were you in that role?

4 A. I was in that role for maybe six
5 months.

6 Q. What was your next position?

7 A. The next position, I provided safety
8 training to drivers in the Nassau facility.

9 Q. What was your official job title?

10 A. I don't know if there was one,
11 because it was kind of like tailor made for
12 me.

13 Q. What were your job duties?

14 A. I was a package inside supervisor.

15 Q. That's what --

16 A. That's what the --

17 Q. -- official?

18 A. Right.

19 Q. But you were providing safety
20 training to drivers?

21 A. Right.

22 Q. So is that exclusively your job
23 duties?

24 A. Yes.

25 Q. Is that full time?



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

140

Welch

A. Yes.

Q. Who was your supervisor?

A. Steve Wiederhold.

Q. Directly?

A. Yeah. There was no manager in the middle. I would work for all managers in the building, based on requirements of meeting, helping them meet their goals at getting everybody trained prior to being expired.

Q. How long were you in that position?

A. Until just -- I just recently came off that job and went to Spring Street, in the capacity of PAS supervisor. I believe that happened September.

Q. Of this year?

A. Might be, yes. Like mid-September.

Q. Of 2010?

A. Right. PAS. Preload assist. And I was basically assigned to the industrial engineering department, where I'm implementing the PAS to the Manhattan South building, on West Houston Street.

Q. Who is your manager?

A. Frank Torres.



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

142

Welch

A. Yes.

Q. Do you recall when?

A. It was -- I wasn't told I was suspended. I was told go home, because you can't meet the material and substantial functions of your job.

Q. So you're referring to times you were placed on leave?

A. Right.

Q. Any disciplinary suspensions?

A. No.

Q. And you're still employed by UPS?

A. Yes.

Q. Have you ever been terminated by UPS?

A. No.

Q. The positions that we kind of outlined, coming from 2000 until today, was there ever a decrease in your pay?

A. No.

Well, if you want to consider the compensation of two units to one unit, yes.

Q. In 2000 -- since 2000 going forward, has there been any reduction in your



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

143

Welch

eligibility or awards or salary?

A. Perhaps just the tuition reimbursement.

Q. But have you received pay increases every year?

A. Yes.

Q. Have you received your bonus every year?

A. Yes.

Q. Has your pay been docked at all?

A. There's pay I have not received.

Q. But for disciplinary reasons?

A. No.

Q. Have you received any verbal warnings, while working for UPS?

A. I don't know if they were verbal warnings or sit-downs, in 2007.

Q. What were they in reference to?

A. My communication towards the -- towards my supervisors.

Q. Who had the sit-down meeting with you?

A. Bob Rizzo and Kevin Dilibero.

Q. Do you recall where the meeting was



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

144

1 Welch

2 held?

3 A. Yes. Melville human resources.
4 Kevin Dilibero's office.

5 Q. Other than yourself, Kevin and Bob
6 was anyone else present?

7 A. No.

8 Q. What was discussed during the
9 meeting?

10 A. I know it was discussed about me not
11 being at work one day, but I had communicated
12 the need for that day off. And when we were
13 going in the office, I didn't know why, but I
14 didn't say anything. I just listened, and I
15 said fine, I will communicate better.

16 And when we left, I said, Bob, I
17 told you I was off.

18 He goes, don't worry about Kevin.
19 He has ADD.

20 Q. For purposes of just going forward,
21 just because it's a time issue, I'm going to
22 ask that you try to just respond to my
23 question, because your attorney will have a
24 chance to ask you followups, and I'll give you
25 kind of a catch-all at the end.



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

145

1 Welch

2 But focusing just on the meeting,
3 what was said, do you recall what Kevin said
4 during the meeting?

5 A. Things about my timeliness of
6 communicating situations I needed addressed.

7 Q. What type of situations?

8 A. If I had to go to court, I needed to
9 let them know early, in advance, so that they
10 could be aware of it. I guess adjust their
11 schedules accordingly.

12 Q. Did Mr. Rizzo say anything during
13 this meeting, if you recall?

14 A. Not much, if any.

15 Q. Did you have an opportunity to speak
16 during the meeting?

17 A. Yes.

18 Q. Do you recall what you said?

19 A. I'll comply.

20 Q. Did you raise, during the meeting,
21 any concerns that maybe the meeting was based
22 on misinformation or?

23 A. I was so confused by even why I was
24 there. I know there's -- there was a gap, I
25 know there was a lot of work to be done, and I



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

146

1 Welch
2 knew that it was a monumental task. CHSP
3 supervisor can barely miss a day of work.
4 When he comes back from vacation, their head
5 is spinning because it's a living, breathing
6 entity of people coming due and expiring. And
7 that building was months behind where it
8 needed to be, let alone days. It was months
9 behind upon my arrival.

10 Q. So that is all you said during the
11 meeting, I'll comply?

12 A. Yes.

13 Q. During your employment with UPS have
14 you ever not showed up for work and not
15 notified anyone?

16 A. No. If I was out, it was because I
17 was either in the hospital or had made prior
18 arrangements. As a CHSP supervisor's job, you
19 can work different hours based on a 24-hour
20 operation. You're the only one responsible
21 for that building. It's running around the
22 clock. If you need to do the local sort, you
23 need to adjust your hours to be there for the
24 local sort.

25 Q. During your employment with UPS,



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

150

Welch

made positive contact and informed him.

Q. Do you know about how long that was after you had been admitted?

A. It was after the -- maybe probably on Tuesday.

Q. Going through your employment history, have any managers or supervisors of yours at UPS ever made any comments to you that you felt were discriminatory on the basis of your disability?

A. Yes.

Q. What comments?

A. Cindy Miller asking about my medication.

Q. What did you feel was discriminatory about that?

A. It's inappropriate to ask. There's HIPAA laws that I could have refused, but felt under duress, and I told her.

Q. Did you feel that after that conversation Ms. Miller treated you any differently?

A. No.

Q. Did you have any other conversations



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

151

1

Welch

2

with Ms. Miller about your medications or
3 disability at all?

4

A. Never. Never. Never after that.

5

Q. That was the only conversation?

6

A. That was it.

7

Q. Any other UPS manager or supervisors
8 or employees have ever made any comments you
9 felt were discriminatory on the basis of your
10 disability?

11

A. Tom Cucce.

12

Q. What was Mr. Cucce's role?

13

A. Division manager.

14

Q. When did he make a comment?

15

A. 2005. Late 2005.

16

Q. Was anyone else present?

17

A. Yes.

18

Q. Who was present?

19

A. Supervisor Paul Turner.

20

Q. What did Mr. Cucce say?

21

A. I had submitted my request to have
22 that sleep -- I had to go to the sleep study.
23 Here's my document for the sleep study. And
24 Roberto Charles brought it, obviously, to his
25 division manager to inform him. He said, send



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

152

1 Welch
2 him up. I came up there and he said send up
3 Turner too. Paul Turner has diabetes.

4 Q. How do you know Mr. Turner has
5 diabetes?

6 A. Because we worked together on the
7 preload.

8 And after leaving that office, I
9 knew, it was without a doubt that I knew that
10 he had diabetes, because in the conversation
11 we had he said, your diseases are causing me a
12 problem. I got a choice to make here. And he
13 put his hands out to his side and to replicate
14 a scale. I have a choice to make here. Left
15 hand up, right hand down; right hand up, left
16 hand down. I have to weigh the facts. Do I
17 feed my kids or do I feed yours?

18 Q. What did you take him to mean by
19 that?

20 A. My disease was causing him a problem
21 in that I could no longer provide what I once
22 provided, service I once provided. But I
23 believe that that, in essence, is a huge
24 problem that we have. That we require our
25 manager to put their hands on the packages but



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

157

Welch

A. No.

Q. During the conversations did Mr. Kirk ever specifically reference any of your conditions or medications?

A. Later on he did. In 2007. But after I informed him I wouldn't get that DOT card, he changed his relationship with me drastically.

The next day I was wearing something that was made by my daughter, eight-year-old girl. She made me a necklace, red necklace. She braided and gave it to me. And she said to wear it, so I wore it.

And he said, "You got a minute?"

I said yes.

He said are you going queer on me? I said I beg your pardon. He said that necklace around your neck.

Q. Was Mr. Kirk a supervisor at this time?

A. He was a division manager.

Q. So was he your supervisor's supervisor?

A. Right.

JOHN K. WELCH

December 8, 2010

158

1 Welch

2 And then he said -- the following
3 day I still had it on. At that point I wasn't
4 taking it off. Not when she gave it to me to
5 wear and I was mentioned in that light. I
6 wasn't taking it off.

7 Q. Was anyone present when Mr. Kirk
8 asked you about the necklace?

9 A. Not that day. The next day someone
10 was.

11 Q. Who was present?

12 A. The next day I was again walking off
13 the line and saw him. He said, you got a
14 minute?

15 Yes, sir.

16 I thought we talked about this
17 necklace yesterday.

18 I said, we did. I'm not taking it
19 off. I said, you have a necklace on your
20 neck.

21 He said, mine is a Catholic cross.

22 I said mine was made by a saint so
23 I'm not taking it off. And he said, what's it
24 going to be tomorrow, a red dress and pumps?
25 What's it going to be tomorrow, a red dress



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

159

Welch

and pumps?

Q. Who was present during that conversation?

A. Bill Lanus.

Q. What was Mr. Lanus' position?

A. He was the district labor relations manager.

Q. What did you respond to Mr. Kirk?

A. I simply walked away.

Q. At the time when you had this conversation with Mr. Kirk, did you report any of his comments to anyone in human resources or through any --

A. No, not at that time.

Q. Are you aware of UPS's policies regarding harassment and discrimination in the workplace?

A. Yes.

Q. Are you aware of any policies or procedures through which employees can voice concerns?

A. Yes.

Q. Do you know what those policies are, procedures are?



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

160

Welch

A. Management concern hotline.

Q. What's the hotline?

A. It's a number you can call. It's an 800 number you can call. I believe they -- and then we have just the open door policy where you can just go.

Q. Did you utilize any of those mechanisms after Mr. Kirk's comments?

A. No.

Q. Did you utilize any of those after Ms. Miller's comments?

A. No.

Q. Did you utilize any of those methods after Mr. Cucce's comments?

A. No. Not immediately.

Q. Any other managers, supervisors or employees that made any comments that you felt were discriminatory on the basis of your --

A. I will stay with Jim Kirk for a little while.

Q. This is all, still would have been 2006?

A. Yes.

Jim Kirk said to me, after reporting



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

162

1 Welch
2 today to see if we still have a job for you.
3 Nothing against you, John. Just what must be
4 done. So it was made -- Jim Kirk, the
5 division manager at the time, was made aware
6 of it. Jim Kirk summoned me to his office,
7 said, you made a big mistake again. I brought
8 you here to protect you. They are going to
9 get rid of you. They don't like people like
10 you. They don't want you here.

11 Q. Do you know what he was referring to
12 by your mistake?

13 A. By informing someone other than him.
14 He could have kept it in-house and perhaps
15 adjusted my schedule.

16 Q. The fact that you reported your fall
17 to Mr. Ridolfi is what he was referring to?

18 A. Yes.

19 Q. What did you respond to Mr. Kirk?

20 A. I said he was the first one I saw at
21 6:30 in the morning, Mike Ridolfi. He walked
22 right past my box line. I said Mike, do you
23 have a minute? I never fell like that at UPS
24 where I didn't even know if I was still
25 standing and I was laying down. I thought I



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

163

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Welch

was still standing up, but I was laying down.

Q. What else did you tell Mr. Ridolfi when you told him about your fall?

A. I told him I got dizzy and I fell. I was lifting packages, I got dizzy and I fell.

Q. Did you ask to go home?

A. No.

Q. Did you ask for any kind of medical treatment?

A. No. The reason I don't ask for help, nor do I question the comments that are made by others at UPS, is because it's every day. It's every day that I'm last.

Q. So other than the comments that we've gone through already, any other managers or employees make any comments to you that you believe are discriminatory, on the basis of your disability?

A. Yes.

Q. What else?

A. Well, subsequent to Mike Ridolfi, not Kevin Dilibero who informed me that he might not have a job for me.



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

168

Welch

A. I was at the retirement party of someone that worked for UPS.

Q. Do you know the date?

A. They had retired. It was in -- I can't give you the date. But I do know I wrote a letter to that gentleman, upon his retirement, and I have it in my computer, and you can get that date exactly.

Q. Ballpark year?

A. 1988. I know it was winter. Late '87, early '88.

RQ MS. GRAZIOSO: For the record, we're going to request a copy of the letter.

THE WITNESS: The letter?

Q. Yes.

You said you had a copy of the letter you wrote to the gentleman on your home computer, which would confirm the date?

A. OK. Fine.

Q. So what did Mr. Ausili say or do?

A. He told me that Kevin Dilibero was going to administratively terminate me from UPS.

I said, what, is that terminated or



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

169

Welch

not? What's administratively?

He said, when you can't comply or prove you're out of work. You can't comply with meeting the needs of Aetna or human resources.

Q. I just want to clarify, I think the date, you said '87 or '88, is that accurate?

A. No. It wasn't that.

Q. Later?

A. '97, '98. Sorry.

Q. Did Mr. Ausili tell you how he knew that, how he came to have that information?

A. No.

Q. Did you ask him?

A. I was clearly bothered by it that night. I spoke to people about it.

Q. Did you ask him how he found out that information?

A. No.

Q. Did he tell you if he had spoken to Mr. Dilibero directly?

A. No.

Q. What about that comment did you find to be discriminatory, on the basis of your



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

172

1 Welch

2 Prior to my arrival that trailer is
3 delivered. Prior to me doing that job in the
4 last three years its been a driver assigned to
5 that load. A driver goes to the mall or is
6 dropped off at the mall. He is met there with
7 a trailer and five, six, seven helpers to help
8 him deliver the load, but yet now it's
9 important that I have to do that job.

10 Q. What is your current job title?

11 A. PAS supervisor.

12 Q. Who did you say you were reporting
13 to?

14 A. Reporting to Frank Torres.

15 Q. So what work are you doing at the
16 Manhasset center on a tractor trailer?

17 A. I was assigned to Manhasset South on
18 Houston Street from September until now.

19 Q. Still your job?

20 A. Doing this implementation of this
21 new system. But during peak season the team
22 folds, obviously because the Super Bowl of UPS
23 is from November and December, and we need
24 everyone available. So my counterparts are
25 dispatched as helper coordinators, as was I.

JOHN K. WELCH

December 8, 2010

173

Welch

I was a helper coordinator for four days, at which point, John, you're assigned to the trailer.

Q. Who were you reporting to when you were a helper coordinator?

A. Roberto Charles, Manhasset center manager.

Q. And after those four days?

A. You're now on the trailer. That's your job.

Q. Who told you that?

A. Roberto Charles.

Q. Did you tell Mr. Charles that you couldn't do that job, because it was outside of your restrictions?

A. Yes.

Q. What did he say to that?

A. Just break the jams. Keep them moving.

Q. What is breaking jams?

A. Climb that mountain of packages and break the jams on the conveyer belt and the slide coming down.

Q. Did you feel that that would be



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

174

1 Welch
2 outside of your medical restrictions?

3 A. Yes.

4 Q. Did you tell Mr. Charles that?

5 A. I informed him I cannot do that.

6 Q. What did he say?

7 A. No response.

8 And I even communicated it to him
9 over the DYAD board. I cannot continue to do
10 this. I hurt my shoulder. I don't feel well.
11 I'm -- this whole trailer is mine. I can't do
12 it anymore.

13 Q. Did you contact anyone in
14 occupational health or human resources to let
15 them know that you were being assigned a job
16 that was beyond your medical restrictions?

17 A. No. They contacted me.

18 Q. Who contacted you?

19 A. Beverly Reddick.

20 Q. What's Ms. Reddick's position?

21 A. Human resources manager.

22 Q. What did Ms. Reddick tell you?

23 A. You are not to work out of your
24 restrictions.

25 Q. What did you reply to Ms. Reddick?



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

175

1 Welch

2 A. I have been instructed and placed in
3 circumstances in which they -- beyond my
4 control, and told, this is what I must do. If
5 I am assigned as a driver on the load, I'm a
6 driver. What does the driver do?

7 Q. What did Ms. Reddick respond to you?

8 A. From now, you are not. If anyone
9 tells you otherwise, you call me.

10 Q. Have you followed Ms. Reddick's
11 advice?

12 A. Yes.

13 Q. So are you still working on a
14 tractor-trailer --

15 A. Yes.

16 Q. -- out of Manhasset?

17 A. Yes.

18 Q. But within your restrictions?

19 A. No.

20 Q. You just testified that you had
21 followed her advice, which was to not work
22 outside of your restrictions, so I'm confused.

23 A. My restrictions, I do not lift
24 packages now. But I am held prisoner at that
25 trailer with no relief for as many as 13-,



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

176

Welch

14-hour days.

Q. Presently, what --

A. It wouldn't be so bad, if I could --

Q. If you could just limit your response to my specific questions, just for the sake of time.

What are your current medical restrictions, with respect to time, hours per day?

A. It's supposed to be eight hours.

Q. How is it that you come to be working 13 or 14 hours?

A. I am being forced by circumstances.

Q. How are you being forced by circumstances?

A. I have to stay at that trailer.

Q. Why do you have to stay?

A. Because there's people that are not UPS employees there, and I should be relieved. If I'm starting at 4 o'clock in the morning, to have me report at 4 o'clock in the morning, by the time the trailer leaves, five hours are gone. The trailers not done until 4:00 or 5 o'clock at night.



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

177

Welch

1
2 Q. Have you notified anyone on your
3 shift or working alongside you that you have
4 restrictions, and you must leave after eight
5 hours?

6 A. Yes.

7 Q. Who have you notified?

8 A. Roberto Charles.

9 Q. Have you spoken to Mr. Charles after
10 having spoken to Ms. Reddick?

11 A. Yes.

12 Q. Did you tell Mr. Charles what
13 Ms. Reddick said?

14 A. Yes.

15 Q. What was Mr. Charles' response?

16 A. I told him, I am going to make
17 myself available to you by not coming in at
18 4 o'clock in the morning now. I'll come in at
19 6:00, 6:30, so then I'll be more available on
20 the delivery end, which seems to be more
21 problematic than the front end. The front end
22 was problematic at one time, because it was
23 insufficiently staffed. I've corrected that.
24 So now it's sufficiently staffed where I don't
25 need to baby-sit that operation. So now I can



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

178

Welch

come in at 6:30.

I could probably come in at 9 o'clock, if need be, and I could stay and make sure that trailer is done appropriately. And I was going out with two helpers.

Q. Coming in later at 6:00 or at 9:00, would that allow you to be working within your restrictions?

A. Yes.

Q. Was Mr. Charles receptive to that notion?

A. He said, do what you have to do to stay within your restrictions.

Q. How recently was this conversation with Mr. Charles?

A. Last Thursday.

Q. Since last Thursday have you worked within your restrictions?

A. Well, I went from two helpers to now seven, so they've responded with giving me what I need.

Q. So then from last Thursday until today, you have worked within your restrictions?



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com

JOHN K. WELCH

December 8, 2010

182

Welch

A. OK.

Q. Was there any other manager who instructed you to drive your personal vehicle containing UPS packages?

A. Michael Krauss, Victor Martini, Dave Mazzola, Tom Cergorolli.

Q. Do you have any approximation of the time period or the years when these --

A. It was throughout those two years.

Q. Throughout '09 and '08?

A. Yes.

Q. All five of them were during those two years?

A. Yes.

Q. When any of those individuals instructed you to drive your own personal car, did you ever tell them no?

A. No.

Q. Did you ever object?

A. No.

Q. Did you ever say, I think this is discriminatory?

A. No.

Q. Did you ever say, I don't want to?



ESQUIRE
an Alexander Gallo Company

Toll Free: 888.486.4044

2700 Centennial Tower
101 Marietta Street
Atlanta, GA 30303
www.esquiresolutions.com